

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MAURICE NEWSON,

Plaintiff,

v.

Case No. 09-10346

JOHN T. STEEL, PATRICIA
CARUSO, ROBIN GILBERT, CORRECTIONAL
MEDICAL SERVICES, DENNIS STRAUB, JAMES
ARMSTRONG, MARY A, WILSON, BETH GARDON,
GARY SALISBURY, MICHELLE SLICK, and
HARESH PANDYA,

HONORABLE AVERN COHN

Defendants.

ORDER ADOPTING REPORT AND RECOMMENDATION (Doc. No. 113)
AND
GRANTING DEFENDANT HARESH PANDYA'S MOTION FOR SUMMARY
JUDGMENT (Doc. No. 81)
AND
GRANTING DEFENDANT GARY SALISBURY'S MOTION FOR SUMMARY
JUDGMENT (Doc. No. 89)
AND
DISMISSING CASE

I.

This is a prisoner civil rights case under 42 U.S.C. § 1983. In general terms, plaintiff, proceeding pro se, claims that defendants were deliberately indifferent to his serious medical need for interfering with his medical care. Plaintiff's medical complaints stem from an alleged improper denial of medications following a liver transplant. The matter was referred to a magistrate judge for all pre-trial proceedings. On April 20, 2009, Defendants Caruso, Straub, Armstrong, Gilbert, Gardon, Slick and Wilson ("the MDOC defendants") filed a Motion for Dismissal And/or for Summary Judgment (Doc.

No. 38). On March 20, 2009, defendant Correctional Medical Services (“CMS”) filed a motion to dismiss (Doc. No. 22). On January 14, 2010, the magistrate judge issued a report and recommendation (“MJRR”), recommending that CMS’s motion be granted, that the MDOC defendants’ motion be granted as to all defendants except Gardon. Gardon and plaintiff objected to the MJRR. On June 10, 2010, the Court issued an order adopting the MJRR in part and granting defendants’ motions. See Doc. No. 112. At that point, only defendants Haresh Pandya, Gary Salisbury and John T. Steel remained.

Thereafter, defendants Pandya and Salisbury filed separate summary judgment motions. See Doc. Nos. 81, 89. On July 1, 2010, the magistrate judge issued a MJRR recommending that both motions be granted. Doc. No. 113. The magistrate judge also recommends that plaintiff’s claims against Steel, who has not been served nor has plaintiff taken any action against him, be dismissed for failure to prosecute.

Before the Court are plaintiff’s objections to the MJRR. For the reasons that follow, plaintiff’s objections will be overruled, the MJRR will be adopted, defendants’ motions will be granted, and the case will be dismissed.

II.

A district court must conduct a de novo review of the parts of a magistrate judge’s report and recommendation to which a party objects. 28 U.S.C. § 636(b)(1). The district “court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate” judge. Id.

A general objection, or one that merely restates the arguments previously presented, is not sufficient to alert the court to alleged errors on the part of the magistrate judge. An “objection” that does nothing more than state a disagreement with

a magistrate judge's suggested resolution, or simply summarizes what has been presented before, is not an objection as that term is used in this context. Howard v. Sec'y of Health and Human Servs., 932 F.2d 505, 508 (6th Cir. 1991).

III.

Plaintiff makes several objections to the MJRR and has attached several exhibits. In his first objection, plaintiff objects to the Court's prior dismissal of other defendants. This is not a proper objection to the present MJRR.

In his second objection, plaintiff objects to an alleged failure to conduct discovery. Plaintiff, however, fails to articulate what discovery he needs. Moreover, the record is fully complete as to the basis for his claims against Pandya and Salisbury.

Plaintiff's remaining objections merely restate his arguments considered and rejected by the magistrate judge. As the magistrate judge carefully explained, plaintiff has not exhausted his claim against Pandya and has failed to make out a claim against Salisbury.

IV.

Accordingly, plaintiff's objections are OVERRULED. The MJRR is ADOPTED. Defendants' motions are GRANTED. Plaintiff's claims against Steel are DISMISSED under E.D. Mich. LR 41.2.

This case is DISMISSED.

SO ORDERED.

S/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

Dated: August 9, 2010

I hereby certify that a copy of the foregoing document was mailed to **Maurice Newson 370171, G. Robert Cotton Correctional Facility, 3500 N. Elm Road, Jackson, MI 49201** and the attorneys of record on this date, August 9, 2010, by electronic and/or ordinary mail.

S/Michael Williams
Relief Case Manager, (313) 234-5160